

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED

JACKSON COUNTY

FEB 16 2022

Tina Swailes
Court Clerk

ANGELA M. MARTIN,

)

Plaintiff,

)

v.

) Case No. CJ.22.12

WAL-MART STORES EAST LP,
a Delaware Limited Partnership,

)

Defendant.

)

By:

DEPUTY

PETITION

COMES NOW Plaintiff, Angela M. Martin, for her Petition against Defendant, Wal-Mart Stores East LP, state:

1. Defendant, Wal-Mart Stores East LP (hereinafter "Walmart"), is a Delaware Corporation doing business in Jackson County and all over the State of Oklahoma and is registered with the Oklahoma Secretary of State as a Foreign Limited Partnership.
2. At all times hereinafter mentioned, Walmart owned, operated, managed, and controlled the property known as Walmart Supercenter a/k/a Store # 479, located at 2500 N. Main Street; Altus, Jackson County, State of Oklahoma (hereinafter "Premises").
3. On October 9, 2021, Plaintiff, Angela M. Martin ("Martin"), entered Premises to purchase items from Walmart. In that regard, Ms. Martin was a business invitee of Walmart when she slipped and fell due to a clear substance on the floor of the Premises in question, near the checkout registers, which Walmart knew or should have known was an area frequented by its business invitees.
4. Walmart had policies in place and procedures designed and intended to remedy

dangerous conditions, such as the spill in question, that would have prevented the incident in question from happening if properly followed and employed.

5. That it was both generally and specifically foreseeable to Walmart that this type of an incident could occur if Walmart's agents, servants, and/or employees did not diligently perform their duties and follow and employ Walmart's written policies and procedures.

6. That Defendant is in possession of video surveillance of this incident and, in fact, the entire day of the incident in question, which the Plaintiff demands to possess and view to further support the allegations in this petition herein.

7. Ms. Martin sustained significant injuries as a result of the fall she sustained on the Premises. That said injuries were the direct, foreseeable, and proximate result of Defendant failing to address the hidden and dangerous condition to Ms. Martin within a reasonable time.

8. That Defendant's agents, servants, and/or employees negligently operated the Premises in that they failed to warn or correct the dangerous, hidden, and hazardous condition that they knew or should have known existed.

9. That Defendant's agents, servants, and/or employees were careless and/or negligent by failing to follow and employ Defendant's written policies and procedures regarding the safety and maintenance of the Premises.

10. That Defendant, by and through its agents, servants, and/or employees, was also negligent in one or more, but not limited to, the following particulars:

a. In that it failed to act as reasonable and prudent persons would have acted under the same or similar circumstances;

b. In that it failed to maintain its Premises in a safe condition as to protect its patrons from harm;

- c. In that it failed to adequately supervise its employees, agents, servants, and/or representatives to ensure that the Premises were maintained in a safe and nonhazardous condition so as to prevent harm to its patrons and any other individuals at the Premises;
- d. In that it breached its duty of ordinary care, which led to Plaintiff's injuries;
- e. In that it failed to follow its own policies and procedures regarding the maintenance of its Premises and the safety of its patrons and other individuals lawfully at the Premises.
- f. That Defendant is liable for the actions of any and all of its employees, agents, servants, managers, and/or representatives working at or involved with, in any way, the Premises and who caused or contributed to this incident and Plaintiff's injuries. Defendant's liability regarding said persons can also be found based upon, but not limited to, the Doctrine of *Respondeat Superior*.
- g. That Defendant is liable to the Plaintiff, Angela M. Martin, for all of her injuries and damages including her past, present, and future pain and discomfort; her past, present, and future medical treatment; and any permanent or persistent disability she has sustained in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff, Angela M. Martin, prays that judgment be entered against Defendant, Walmart, in an amount in excess of \$75,000.00, for all interest thereon, for all costs of the court, and for such other relief that the Court deems just, proper, and equitable.

Respectfully submitted,
LAWTER & ASSOCIATES, PLLC

By:


Matthew Reinstein, OBA # 17127

Mike Moore, OBA # 6347

Jason Bolitho, OBA # 33118

3313 North Classen Boulevard

Oklahoma City, OK. 73118

Telephone: (405) 525-4131

Facsimile: (405) 525-7855

Email: jbolitho@lawterlaw.com

ATTORNEY'S LIEN CLAIMED